The following is a true and correct copy of the plat referred to in said deed as being thereto annexed; which said deed and plat were admitted in evidence.

100 Alexander W. Blumberg, being duly sworn as a witness for the Government, testified as follows:

Direct examination by Mr. AKERMAN:

Q. What is your name, sir?
A. Alexander W. Blumberg.
Q. Where is your home?
A. Detroit, Michigan.
Q. What connection, if any, did you have with this Government building?
A. I was superintendent of construction of public buildings.
Q. Employed by whom?
A. By the Treasury Department.
Q. You are an officer of the Treasury Department?
A. Yes, sir.
Q. Where were you, Mr. Blumberg, when this difficulty occurred?
A. I was on the lot.
Q. How far?
A. I was within possibly 25 feet of the building—30 feet.
Q. You were not in the building?
A. Not in the building at the time.
Q. You did not see the occurrence?
A. I did not see the occurrence.
Q. Did you see the body of the deceased man?
A. Yes, sir.

Q. Where was he when you first saw him?

101 A. He was down in the basement, lying face down right through the hole.

Q. Had the body been touched when you saw him?
A. No, sir.
Q. Mr. Blumberg, I will get you to examine this diagram I will show you, and ask you who made that diagram [exhibiting diagram to the witness]?
A. I made this, sir.
Q. Are the measurements on this accurate?
A. As far as to my knowledge it is correct.
Q. Is it reduced to a scale?
A. Reduced a sixteenth of an inch to a foot?
Q. Explain where the body was when you saw it with reference to that diagram?
A. The body was lying in between these two beams [indicating] right straight down, these beams from up on the floor above, it was lying in the center of a little square.
Q. What does that indicate [pointing to certain marks on the diagram]?
A. The position of the tower in the building at the time.

Q. Do you know where is the upright post that has the block X on it?

A. It is indicated by a little red star, sir, around that post.

Q. What do the red lines indicate?

102 A. The heavy red line indicates the original purchase site of the Government.

Q. What are the dimensions of the red line?

A. 120 feet on Mulberry street and 140 on Third.

Q. With reference to the red lines, where is that dotted place [indicating]; how far is that from the red lines?

A. About 10 feet inside the lot.

Q. It is within the original 120 feet?

A. Yes, sir.

Q. About 10 feet within?

A. Yes, sir.

Q. That map is correct, is it?

A. Yes, sir; as far as to my knowledge, yes, sir.

Judge SPEER. What is your occupation?

A. Superintendent of construction.

Judge SPEER. Your profession?

A. Architecture and draftsman. I came here from the Architect's Office.

Judge SPEER. You are an architect?

A. Yes, sir.

Q. (Mr. Akerman.) Hand Mr. Blumberg the photograph marked "Exhibit A." I will ask you to explain what that photograph represents, Mr. Blumberg [photograph exhibited to witness]?

A. This is a photograph up here on the top floor, about the location where the tower's position is.

Q. Does that correctly show the scaffolding?

A. Yes, sir; I don't think that has been changed at all.

103 Q. Turn around and point on that where this post is located.

A. (Witness indicating.) This post is located on the inside of the beam here, the rope latching on the beam here; the post is located on this other side [witness indicating].

Judge SPEER. The jury will follow the point.

Q. (Mr. Akerman.) On the other side?

A. Yes, sir.

(The photograph marked "Exhibit A" was then exhibited to the jury.)

Q. I will show you a photograph marked "Exhibit B," and ask you what view that is [exhibiting to witness]?

A. This is a view looking down, possibly from the second story, or third story looking down.

Q. Down the shaft?

A. Down the shaft from the second-story window level down here.

Q. Where was the post with reference to that view?

A. This post is in the same position on the other side of that beam, only lower down.

Judge SPEER. What post do you ask about?

A. The post numbered 4.

Judge SPEER. Is that the post which was being elevated by the block?

A. This is the post that Mr. Berry was working on at the time.

104 Q. (Mr. Akerman.) That is the one that the derrick was on?

A. The derrick is made out of four tower posts, and that is one of them.

Q. Now I will show you the photograph marked "Exhibit C" [exhibiting to witness].

A. That is a view taken about the second-floor level, looking toward the skylight, showing the post still suspended from the block and fall.

Q. I will show you the photograph marked "D" [exhibiting].

A. This is a photograph taken on the attic-floor level, looking in that direction. I don't know what compass point that is—looking southeast [indicating].

Judge SPEER. This would be east.

A. Looking directly this way upwardly [indicating].

Judge SPEER. Southeast.

Q. (Mr. Akerman.) Does that show the mortar box?

A. It is located in the southeast wing of the building, about the center of the line of that tower.

Q. I will show you the photograph marked "Exhibit E," and ask you what that represents [exhibiting to witness]?

A. This is a photograph on the first floor, looking in the same direction, showing where the position is in which the tower is located on the second floor. The tower rested on the second floor at the time.

Q. Does that show the post that Berry was working on?

105 A. That is the same post.

Q. Where was the body with reference to that same photograph when you saw it?

A. About where the marshal is standing—underneath that.

Q. The marshal, Mr. White?

A. Yes, sir.

Q. Mr. Blumberg, what county and State is this site in?

A. Bibb County, State of Georgia.

Q. This red line representing——

Mr. COOPER. I object to that testimony, because the indictment does not allege that it happened in Bibb County.

Judge SPEER. The objection is overruled.

Mr. COOPER. I note an exception.

Q. (Mr. Akerman.) This red line indicates 120 feet on Mulberry and 140 on Third street, in the city of Macon [indicating on diagram]?

A. Yes, sir.

106 Cross-examination by Mr. COOPER, for the defendant:

Q. Mr. Blumberg, were you present when this tragedy happened?

A. I was on the site of the lot.

Q. Where were you?

A. I was standing in front of the contractor's office, possibly 10 feet off towards the main building.

Q. On the ground?

A. Yes, sir.

Q. You don't know anything about how this occurred, of your own personal knowledge?

A. No, sir; I didn't see it.

Q. Those photographs were taken by direction of somebody else?

A. I suppose so.

Q. Who took these photographs?

A. I don't know, sir.

Q. You are testifying to that—you don't know what position the man was in when he was killed, of your own personal knowledge?

A. No, sir; not when he was killed.

Q. (Exhibiting photographs to the witness.) We have two men standing there—three men in the picture—Mr. Blumberg, who are those men?

A. I will have to look at the photographs. [Examining the photographs.] The man with the hoe there was Tom James—by the mortar box.

Q. Who was the other one?

A. The man standing off there in the distance was a Mr. Markwalter.

Q. When was the photograph taken?

107 A. That was taken after the affair.

Q. Who was the other man?

A. It looks like a darkey we have by the name of Carper. I can not recognize him very well; this is so dark.

Q. This picture "C" represents the timbers there?

A. Yes, sir.

Q. The post where they are working?

A. Yes, sir.

Q. I will ask you where this man was working; didn't he have a sort of a something to support him, a basket or something, while he was working on the post?

A. Not to my knowledge.

Q. Do you know?

A. I saw him up there about 10 minutes before.

Q. Do you know whether he had anything or not?

A. I don't know whether he had or not.

108 Redirect examination by Mr. AKERMAN, for the Government:

Q. You say you saw Mr. Berry about ten minutes before that?

A. Yes, sir.